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SUBJECT: Congo-Rwanda Joint Verification Commission  
(JVC) meeting, December 20-21, 2007

REF: Kinshasa 1377

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Note: The following report was provided by Embassy Kinshasa's political officer in Goma. End note.

1. (SBU) Summary: The Congo-Rwanda Joint Verification Commission (JVC) authorized Joint Verification Teams (JVT) to investigate allegations of violations of sovereignty and territorial integrity at the December 20-21 meeting in Rubavu, Rwanda. It also clarified several procedural issues involving investigations. The commission addressed Congolese insistence on an investigatory role for the Nairobi Communique's Joint Monitoring Group (JMG) by agreeing to invite the JMG to define its relationship with the Joint Verification Mechanism (JVM). It addressed Rwandan objections to a re-draft of the JVM terms of reference by agreeing to consider written comments at its next meeting. Congo agreed to host the next meeting within the next two months at a date and place to be determined. The meeting was less important for what it agreed than for the fact that it took place at all after an hiatus of almost two years. End summary.

2. (U) At the December 20-21 meeting of the Congo-Rwanda Joint Verification Commission (JVC) in Rubavu (formerly Gisenyi), Rwanda authorized Joint Verification Teams (JVT) of military experts based in Goma-Rubavu and Bukavu-Cyangugu to immediately begin operations to monitor and investigate allegations of violations of sovereignty and territorial integrity. The JVC and the JVT together comprise the Joint Verification Mechanism (JVM), mandated by a 2004 bilateral agreement to verify, investigate and report on allegations regarding Rwandan combatants, Rwandan involvement in the DRC and border violations.

3. (U) The meeting also clarified several operational issues involving the JVT, discussed the JVM's relationship with the Joint Monitoring Group (JMG) established by the Nairobi communique (reftel), and received a proposal for revising the JVM's terms of reference. Presidential Special Envoy Ambassador Richard Sezibera (who chaired the meeting) and Ambassador-at-Large Seraphin Ngwej headed the Rwandan and Congolese delegations respectively. SRS William Swing represented MONUC while the African Union was represented by Ambassador Pierre Yere; Political Counselor David Brown participated as USG official observer.

JVT operations  
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4. (SBU) Lt. Colonel Acton Kilby of MONUC, acting as JVT facilitator, said the teams appear to be functioning effectively, noting, however, there were unspecified difficulties "at higher levels." Kilby reported that since the September 2007 JVC meeting,

the JVT had implemented a new structure, re-opened its Bukavu office, and established a secretariat at MONUC headquarters in Kinshasa. Each of the two teams is led by a MONUC liaison officer, and composed of three military experts, one each from Congo, Rwanda and the AU. The commission agreed that the two sides should exchange lists of team members and notify movements in advance in order to minimize past cross-border travel difficulties cited by Kilby.

¶5. (SBU) As the commission's investigative arm, Kilby said the JVT is currently investigating seven allegations, and noted their work will support both the JMG and MONUC's DDRRR program. Swing observed that previous JVT investigations had determined that 20 of 22 allegations the JVC had received during its existence were without foundation. The commission agreed that teams will investigate suspected violations when one party informs the other in writing, copying MONUC to ensure expeditious action.

¶6. (SBU) Kilby also asked the commission to authorize the JVT to investigate allegations of border violations involving Uganda or Rwanda. The commission concluded that other mechanisms should be used in such cases.

¶7. (SBU) The Rwandan JVT leader observed that the teams had been inactive for nearly two years after Congo withdrew its members in ¶2006. He raised concerns that long-standing allegations made by Rwanda regarding infiltration by ex-FAR/Interahamwe fighters into the Congolese army via the brassage process had yet to be examined. As he had at the December 16 JMG meeting (reftel), Ngwej said that Congolese authorities had recently detained a member of the Rwandan military or presidential guard. The commission agreed both sides should review outstanding allegations and re-submit them as appropriate.

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#### Relationship with JMG

¶8. (SBU) The meeting's most contentious issue involved the relationship of the JVM to the Joint Monitoring Group agreed to in the Nairobi communique. Ngwej made repeated calls for investigation of allegations by the JMG, echoing similar statements December 16 (reftel). Members of the Rwandan delegation objected that the Nairobi communique called for existing mechanisms, such as the JVM, to be used whenever possible.

¶9. (SBU) The issue was finally resolved by discussions on the margins prompted by the U.S. observer which resulted in agreement that although the JVC could not define the JMG's role, it could request the JMG to put together a proposal on how it would relate to the JVM and other bodies mentioned in the communique. Swing privately expressed consternation at Ngwej's continued interventions on the point, noting that none of the Congolese delegates he had talked to understood Ngwej's insistence on it.

¶10. (U) Note: In the Nairobi communique of November 9 both sides agreed to "share information, and address issues of common concern through existing mechanisms, in particular the Joint Verification Mechanism (JVM) and the Tripartite Plus Commission." The December 5 JMG modalities of work document notes that the JMG task force "may initiate its own investigations/inspections," while its terms of reference of the same date requires it to "work closely with the Joint Verification Mechanism to seek verification of facts and clarification of situations." End note.

#### Terms of reference

¶11. (SBU) A second point of contention involved a proposed update of the JVM's terms of reference by MONUC. The text took the Rwandan delegation by surprise. Sezibera said he had first seen the re-draft on December 16. Rwandan delegates asked why the new text was necessary. They were happy with the 2004 original, which they said had involved six months of negotiations. Ngwej said Congo supported the new draft in its entirety, and criticized Rwandan's

position as an obstacle to progress.

¶12. (SBU) Swing was clearly embarrassed that what MONUC had viewed as an essentially technical exercise had become a major point of disagreement, but chose not to note that the Tripartite Plus military chiefs of staff had tasked MONUC, as the JVM secretariat, to do so. Sezibera, as chairman, finessed the differences by asking both sides to submit comments in writing for discussion at the next meeting.

Next steps

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¶13. (U) Ngwej said that Congo would host the next JVC meeting within the next two months, as required under the current terms of reference, at a time and place to be determined.

Comment

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¶14. (SBU) Like the December 16 JMG, the most important news was that the JVC met and both sides expressed commitment to the process. The Rwandans appeared to be the better prepared of the two delegations, but Ngwej's monopoly of the comments on the Congolese side effectively overshadowed any expertise his delegation might have contributed. End comment.

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